## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MARITZ INC.,	)	
Plaintiff,	)	
	)	
V.	) No.	4:06-CV-761 CAS
C/BASE, INC., et al.,	)	
Defendants.	)	

## **ORDER**

This patent matter is before the Court on defendant Swift Prepaid Solutions, Inc.'s ("Swift")

Motion for Reconsideration of Denial of Motion for Leave to File Answer and Counterclaim.

On August 7, 2007, the Court issued an Order denying Swift's motion for leave to file its answer and counterclaims out of time. In its motion for reconsideration, Swift requests that it be permitted to file only the answer portion of its pleading. By eliminating the two counterclaims from its proposed late filing, Swift states that "the matter would then stand in a position of avoiding deterrence to the progress of this matter." (Swift Mot. at 2). Plaintiff opposes the motion for reconsideration, and states that permitting Swift to file the proposed pleading will cause prejudice and adversely impact the proceedings. In its reply brief, Swift states that it did not intend to willfully disregard the Court's rules, but states that "inadvertently certain dates were not administratively provided for and that counsel was embroiled in other matters." (Swift's Reply at 2). Swift also states that it could comply with the many required exchanges and filings within twenty-one days.

The Court has reviewed Swift's motion for reconsideration, and finds that nothing therein affects the Court's conclusion that Swift's conduct is not the result of excusable neglect, and that to permit Swift to file its answer out of time will cause prejudice to the plaintiff and have an adverse

impact on the Court's ability to manage the proceedings. <u>See</u> Order of August 7, 2007 at 4-7 [Doc. 130].

Accordingly,

IT IS HEREBY ORDERED that defendant Swift Prepaid Solutions, Inc.'s Motion for Reconsideration of Denial of Motion for Leave to File Answer and Counterclaim is **DENIED**. [Doc. 132]

CHARLES A. SHAW UNITED STATES DISTRICT JUDGE

Dated this 28th day of August, 2007.